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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,132	01/30/2002	Julie T. Dawe	10012518-1	5684

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EXAMINER

ROSWELL, MICHAEL

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/066,132

Applicant(s)

DAWE, JULIE T.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-5, 7-8, 11, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Martinez et al (US Patent 5,956,665), hereinafter Martinez.

Regarding claims 1, 7, and 13, Martinez teaches a method, system, and software program capable of receiving a first data stream having a first format (taught as the retrieval of information related to multiple components of a system by a monitoring unit, at col. 10, lines 4-19), encapsulating the data stream into a predetermined second format and aggregating the data by applying a first set of rules for organizing the information into a plurality of categories (taught as the mapping of received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31, and the updating and display of the data, at col. 11, lines 18-30, which inherently use a first set of rules to determine the location of received data within the data structure), and displaying a graphical representation of parameters relating to each category in response to changes in the information contained in the data stream (taught as the display and subsequent monitoring of component attributes in the system, at col. 10, lines 32-48).

Regarding claim 4, Martinez teaches performing the steps of receiving, encapsulating, aggregating, and displaying data in real time, taught as the monitoring of components and updating of data related to those components when changes take place, at col. 2, lines 47-50.

Regarding claims 5 and 11, it can be seen in Fig. 6 and at col. 10, lines 32-42 that Martinez teaches creating an artistic graphical representation for presenting information to a user.

Regarding claim 8, Martinez teaches the analog display of information, taught as the use of a meter reflecting the status of system components, in item **92** of Fig. 6.

Regarding claim 16, Martinez teaches a method, system, and software program capable of receiving a second data stream (taught as the retrieval of information related to multiple components of a system by a monitoring unit, at col. 10, lines 4-19), encapsulating the second data stream into a second format and aggregating the data by applying rules for organizing the information into a plurality of categories (taught as the mapping of received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31), and displaying a graphical representation of parameters relating to each category in response to changes in the information contained in the data stream (taught as the display and subsequent monitoring of component attributes in the system, at col. 10, lines 32-48).

***Claim Rejections - 35 USC § 103***

Claims 2-3, 6, 9-10, 12, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez and Jancke et al (US Patent 5,764,913), hereinafter Jancke.

Regarding claims 2, 9, 14, and 17, Martinez has been shown to teach a method, system, and software program capable of receiving a first data stream having a first format (taught as the retrieval of information related to multiple components of a system by a monitoring unit, at col. 10, lines 4-19), encapsulating the data stream into a second format and aggregating the data by applying rules for organizing the information into a plurality of categories (taught as the mapping of received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31), and displaying a graphical representation of parameters relating to each category in response to changes in the information contained in the data stream (taught as the display and subsequent monitoring of component attributes in the system, at col. 10, lines 32-48).

However, Martinez fails to explicitly teach encoding an aural representation of parameters relating to changes in information of the data stream.

Jancke teaches a status monitoring system for a computer network similar to the monitoring system of Martinez. Furthermore, Jancke teaches using an audio tone or wave file to notify a user of the operational state of a node in the network, at col. 3, lines 54-57.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Martinez and Jancke before him at the time the invention was made to modify the monitoring and notifying system of Martinez to include the aural notification of Jancke in order to obtain a system of monitoring streaming data wherein a user is notified of changes and status aurally.

One would be motivated to make such a combination for the obvious advantage of keeping a user aware of the status of data without having to view the data changes on a monitor.

Regarding claims 3, 6, 10, 12, 15, and 18, Jancke teaches defining a color palette where the colors are associated with human recognized process status conditions, taught as the use of a stop light metaphor incorporating the colors green, yellow, and red for various states of a node, at col. 3, lines 24-36.

### ***Response to Arguments***

Applicant's arguments filed 2 November 2004 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Martinez fails to address the status of an application program, the Examiner respectfully disagrees. As disclosed in col. 11, lines 31-42, the application program of Martinez provides the user with control of the components within the system, and displays user changes and settings through the GUI. Therefore, as the interface of Martinez displays the status of the components of the system, it also displays the status of the application program.

Regarding Applicant's argument that Martinez fails to teach aggregating information contained in a first data stream output in a second format by applying a first set of rules or encapsulating the first data stream into a predetermined second format, the Examiner respectfully disagrees. Martinez has been shown to accept information from various components in a first data stream output. Inherently, the data received from these components must be encapsulated into a second format, as the data changes from a non-visual state (first format) to being visually represented by the GUI (second format). Furthermore, it is inherent that in order for the mapping operation and updating operation of Martinez to form and update

the data structures used in the system, the operations must follow a set of rules for organizing the received information into the proper locations in the data structures.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
2/14/2005



**RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173**